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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

ALEXANDRE KOROBOV,	)
	)
Plaintiff,	)
	)
v.	) United States District Court No.
	) Case No. 3:13-cv-_____
21ST CENTURY PACIFIC	)
INSURANCE COMPANY,	) Superior Court Case No.
	) 3AN-13-08502 CI
Defendant.	)
	)

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NOTICE OF REMOVAL

To: ALEXANDRE KOROBOV  
c/o Jeffrey Barber, Esq.  
Barber & Banker, LLC  
821 N Street, Suite 103  
Anchorage, AK 99501

Guess & Rudd, P.C., attorneys for 21st Century Pacific Insurance Company

("21st Century"), hereby removes to this court the state court action described below.

## I. Introduction

On July 29, 2013, plaintiff Alexandre Korobov filed a suit against defendant in the Superior Court for the Third Judicial District at Anchorage, Alaska, entitled Alexandre Korobov v. 21st Century Pacific Insurance Company, Case No. 3AN-13-08502 CI.

The Complaint alleges, among other things, that defendant adjusted and/or failed to reasonably adjust plaintiffs' 2/18/2011 Underinsured Motor Vehicle Bodily Injury claim negligently and/or recklessly and/or unconscionable and/or maliciously and/or in breach of the covenant of good faith and fair dealing.<sup>1</sup> Plaintiff's requested for a judgment against the defendant for an amount greater than \$100,000.00 plus interest, costs, and attorney fees.<sup>2</sup>

This court has jurisdiction pursuant to 28 U.S.C. § 1446; defendant has attached as Exhibit A a copy of the Complaint. This Notice of Removal is filed within the allotted time for removal. The defendant (through the Director of Insurance) was served with the Summons and Complaint on August 1, 2013 – this notice of removal within the thirty-day window provided under 28 U.S.C. § 1446(b), defendant has attached as Exhibit B a copy of the Affidavit of Civil Rule 4 Process.

Defendant has, simultaneously with this filing, also filed its Notice of Removal in the Superior Court of the Third Judicial District at Anchorage.

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<sup>1</sup> See Exhibit A, Complaint ¶20.

<sup>2</sup> Id. at p. 4.

## II. Argument

### A. The Amount in Controversy Exceeds \$75,000

The Complaint seeks compensatory damages in an amount in excess of \$75,000. Where a complaint sets forth a specific amount of damages in excess of the jurisdictional amount, then the plaintiff's allegations are controlling.<sup>3</sup> “The amount in controversy includes the amount of damages in dispute, as well as attorney's fees, if authorized by statute or contract.”<sup>4</sup> Plaintiff's Complaint has specific amount of damages in excess of \$75,000 -- specifically asking “for an amount greater than \$100,000.00 plus costs and attorneys' fees. The requisite amount in controversy is satisfied.

### A. Complete Diversity Exists As to All Parties

There exists complete diversity of citizenship between the parties. The Complaint alleges that “[A]t all times material hereto, plaintiff was and is a resident of Anchorage, Alaska.”<sup>5</sup> Defendant 21st Century is a corporation organized and existing under the laws of the State of Delaware and is a “person” as defined in 33 U.S.C. § 1362(5) and 40 C.F.R. § 122.2. 21st Century's principal place of business is in

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<sup>3</sup> See Sanchez v. Monumental Life ins. Co., 102 F.3d 398, 402 (9th Cir. 1996)(“the sum claimed by the plaintiff controls if the claim is apparently made in good faith”) (quoting St. Paul Mercury Indem. Co. v. Red Cab. Co., 303 U.S. 283 (1938)).

<sup>4</sup> Kroske v. U.S. Bank Corp. 432 F.3d 976, 978 (9th Cir. 2005) citing Galt G/S v. JSS Scandinavia, 142 F.3d 1150, 1155–56 (9th Cir.1998).

<sup>5</sup> Exhibit A, Complaint ¶1.

Wilmington, Delaware. As such, 21st Century is a citizen of Delaware for diversity purposes.<sup>6</sup>

### III. Conclusion

Because the substantive requirements of federal diversity jurisdiction have been fully satisfied, defendant respectfully request that this court assume full jurisdiction over this action.

DATED at Anchorage, Alaska, this 3<sup>rd</sup> day of September, 2013.

GUESS & RUDD P.C.  
Attorneys for Defendant

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<sup>6</sup> 28 U.S.C. § 1332(c)(1).

CERTIFICATE OF SERVICE

I hereby certify that on the <sup>3<sup>rd</sup></sup> day of September, 2013, I mailed a true and correct copy of the foregoing document to:

Barber & Banker, LLC  
Jeffrey Barber, Esq.  
821 N Street, Suite 103  
Anchorage, AK 99501

Guess & Rudd P.C.

By: \_\_\_\_\_/s Christina A. Rankin  
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